



August 24, 2015

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**VIA ELECTRONIC CASE FILING AND E-MAIL**

Mr. Vito Genna  
Clerk of Court  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Ms. Una O'Boyle, Esq.  
Chief Deputy – Clerk of Court  
United States Bankruptcy Court  
Southern District of New York  
One Bowling Green  
New York, NY 10004-1408

Re: *Revisions to Summonses for Purposes of International Service of Process*

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*Official Committee of Unsecured Creditors of Vivaro Corp. v.*  
*Ortega, et al., Adv. Pro. No. 15-01124 (MG)*

*Official Committee of Unsecured Creditors of Vivaro Corp. v.*  
*Marcatel Com S.A. de C.V., et al. Adv. Pro. No. 15-01125 (MG)*

Dear Mr. Genna and Ms. O'Boyle:

We represent the Official Committee of Unsecured Creditors of Vivaro Corp. (the "Committee") (Main Case No. 12-13810 (MG)). We write to respectfully request that the Clerk's Office issue revised summonses for the above-referenced adversary proceedings for the purposes of facilitating international service of process of the complaints in those proceedings with some modifications in order to conform with anticipated requirements of Mexican authorities.

Certain defendants in the above-referenced actions contend that they cannot be served with process by U.S. mail. Instead, they contend they must be served pursuant to the Hague Service Convention. The Committee reserves all of its rights with respect to their contentions on this and all other matters. Indeed, many (if not all) of these defendants may be properly served by mail through their U.S. counsel. Until, however, that issue is resolved either consensually or by order of the Court, we intend to also serve these defendants in Mexico in accordance with the Hague AFDOCS/12390605.1

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Mr. Vito Genna  
Ms. Una O'Boyle  
August 24, 2015  
Page 2

Service Convention. This will avoid delay should the Court ultimately conclude that the defendants are correct and Hague convention service is required.

To conform with the requirements of Mexican authorities, the standard summons issued by the Bankruptcy Courts needs to be modified in two respects.

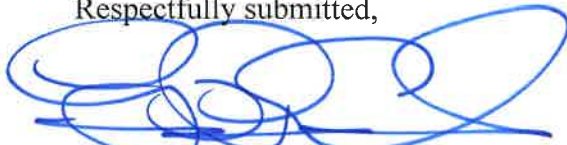
First, the requirement that the complaint be answered within 30 days of *being issued* needs to be changed to 30 days *after being served*.

Second, Mexican authorities require a four to six month time period from the time they receive the summons to any date referenced in the summons, such as for a hearing or conference, that requires the defendant to appear or respond. Therefore, the date for the pre-trial conference needs to be at least two hundred and ten (210) days from the date of the issuance of the summons.

Please let us know whether your office is willing and able to issue summonses with the above-described modifications. If you would like to discuss further, or if you have any questions about this request, please let us know. We would be happy to discuss in writing or by telephone.

Thank you for your attention to this matter.

Respectfully submitted,



George P. Angelich